

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Report on)	GN Docket No. 09-561
)	
Rural Broadband Strategy)	

**COMMENTS OF THE
CENTER FOR RURAL STRATEGIES
APPALSHOP
ACCESS HUMBOLDT
BENTON FOUNDATION
CALIFORNIA CENTER FOR RURAL POLICY
MAIN STREET PROJECT**

Edyael Casaperalta
Programs & Research Assoc.
Center for Rural Strategies
46 East Main Street
Whitesburg, KY
(956) 457-6126

March 25, 2009

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To: The Commission

**COMMENTS OF THE
RURAL BROADBAND POLICY GROUP**

The Center for Rural Strategies, Appalshop, Access Humboldt, the Benton Foundation, the California Center for Rural Policy, and the Main Street Project (collectively The “Rural Broadband Policy Group”) files these comments in the above captioned proceeding.

The attached “Rural Broadband Principles and Policy Recommendations,” in its present form as submitted, constitutes the comments and recommendations of the above listed organizations. The Rural Broadband Policy Group consists of organizations dedicated to rural broadband, rural development, or are otherwise involved in digital inclusion policies.

Respectfully submitted,

Edyael Casaperalta
Programs & Research Assoc.
Center for Rural Strategies
46 East Main Street
Whitesburg, KY
(956) 457-6126

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Rural America and Broadband

Rural America is vast and diverse. Sixty million Americans, or about 20 percent of the population, live in the countryside on 80 percent of the nation's land. While such a large area belies easy characterization, nonmetropolitan areas do share a common set of concerns and features that bear directly on communications policy.

The predominant feature of rural areas is the land: mountains, plains, coastlines, deltas, and other geographic characteristics. Rural cultures and economies grow in response to place, and in rural areas place is defined by land. Rural areas are by definition geographically dispersed and less densely populated than urban areas, making delivery of public services more challenging. But the health of the nation as a whole is directly linked to the wellbeing of rural America. Rural America provides the food and natural resources upon which healthy cities rely, and urban areas are a primary market for rural goods. The United States cannot build a healthy economy without considering the interdependent nature of rural and urban areas. When America's rural communities lag behind, the entire nation feels the effects. Taken as a whole, America's rural communities are at risk. Rural Americans are far more likely to be poor, undereducated, sick, and prone to a range of maladies such as drug addiction, depression, and suicide. Of the 250 poorest American counties, 244 are rural.

Digital communications technology could be part of the solution for addressing these economic and social difficulties. Broadband access would allow rural America to reap the benefits of telehealth, telecommuting, higher education distance learning, improved emergency communications systems, and greater connection to the global

economy. But rural America lags the rest of the nation in broadband penetration. Currently, the United States ranks 17th in broadband penetration. While the national penetration rate is 47 percent, a 2008 study by the Pew Internet & American Life Project shows that less than a third of rural Americans have broadband in the home. While geography plays a large role in the lack of access, demographics also contribute to this disparity. Rural Americans tend to be poorer, have less formal education, and are older, all factors that correlate with reduced Internet usage. Policy obstacles also play a major role. The current market-driven policies for the build out of broadband do not adequately serve rural communities. After all, the federal government defines rural areas as regions lying outside metropolitan markets. Therefore, market-driven solutions for rural areas are problematic by definition.

Rural America needs broadband. We need an approach to broadband development with rural principles at its core. We need broadband to participate fully in the nation's democracy, economy, culture, and society. It is our responsibility to ensure that the new administration addresses the needs and builds upon the opportunities of all – and “all” includes rural America.

Rural Broadband Policy Group

The Rural Broadband Policy Group is a growing national coalition of rural broadband advocates. The Rural Broadband Policy Group has two goals: 1) to articulate national broadband policies that provide opportunities for rural communities to

participate fully in the nation's democracy, economy, culture, and society, and 2) to spark national collaboration among rural broadband advocates.

Rural Principles

The Rural Broadband Policy Group upholds the following principles in articulating broadband and internet policies for rural America. We encourage the Federal Communications Commission to adopt our principles as a guide for the development of the nation's rural broadband strategy.

1) Communication is a fundamental human right.

Lack of access to broadband denies rural areas the fundamental human right to communicate. Without broadband, rural communities are further isolated from the new model of economic and civic participation, thus, diminishing antipoverty efforts. Economic distress in rural communities – lack of jobs, inadequate education, poor healthcare, outflow of local talent, etc. – is exacerbated by the inability to communicate. Broadband is no longer a luxury but a vital service necessary to fully participate in the nation's democracy, economy, culture, and society. As the nation moves forward in new ways with advanced digital communications, broadband access becomes a fundamental human right. Observing and protecting this right will provide more resources for rural areas to improve economic conditions and advance with the rest of the nation.

2) Diversity of rural America.

Rural America is diverse in terrains, cultures, foods, peoples, and knowledge. There is no one-size-fits-all solution for all rural communities. Therefore, the diversity of rural America must be represented in national broadband policies. Tribal lands are an example of the diverse needs of rural areas. Tribal sovereignty includes the right of each Native Nation to govern relationships and territory within tribal homelands. The unique concerns of tribal lands place them in a position to act as the model for broadband development success. As with each tribe, each rural community has its own network of knowledge. The diverse knowledges of rural communities must be protected with policies that support locally produced content and adequate data collection methods that respect the peculiarities of each locality.

3) Local ownership, self reliance, and investment in community.

Absentee-ownership of broadband infrastructure and service has failed to serve rural communities. Non-local corporations have sometimes failed to invest in rural infrastructure because they fear rural areas will not return profits available from wealthier, more densely populated markets. National broadband policies must prioritize local ownership in rural communities, thus encouraging self reliance and investment in place. Local ownership would address problems ignored by absentee-owners such as lack of broadband access, slow speeds, limited (if any) provider choice, and aggregation of demand. By definition, the market-based model fails rural because rural is considered to be outside of the market. Rural communities must own local communications

infrastructure, not only to boost their local economies, but to ensure that broadband is accessible to rural and every community in the nation.

4) Network neutrality

Rural areas generally have less access to all forms of media, not just broadband. Therefore, net neutrality, which establishes the principle of unfiltered access to information, is vitally important for rural communities.

Policy Recommendations

The Rural Internet and Broadband Policy Group agreed upon several recommendations that the FCC must consider as priority when developing a rural broadband strategy. The proposed recommendations are based on four main needs of rural communities: 1) accurate data on service availability and adoption, 2) locally-owned infrastructure, 3) assistance in technology adoption, and 4) uniform and transparent federal policies.

Policies for adequate data:

1) Broadband Data Improvement Act 2008

We support the Broadband Data Improvement Act as a vehicle for obtaining adequate broadband accessibility data from rural areas. We know that access to broadband is more limited in rural areas than in

metropolitan areas, but we do not know precise and comprehensive statistics on the state of broadband infrastructure, access, cost, and adoption in rural communities. In an effort to obtain adequate data, we recommend the administration addresses three issues:

a.- Change the zip code method of defining where broadband service exists. This method does not reveal the true availability of broadband to residences and businesses in rural areas and can lead to poor policy decisions.

b.- Consider modeling efforts on locally-driven broadband data collection projects.

c.- All data on available speeds must be based on actual, not advertised availability, and also be accompanied by cost of service.

2) Change the FCC's definition of broadband speed.

The standards of speed for broadband access must first rest on symmetrical upload and download rates. This technical issue practically means that our networks must make it as easy to produce content as it is to consume. The standard of speed in networks should weight the upload speed over the download speed to ensure participation.

The standard of speed is also changing, we should not be locked in a regulatory framework that limits us to obsolete technology. Instead government must promote and fund networks that offer a high quality of service, low-latency networks, and the functionality to meet the service and application needs of our communications future.

Further, our communications infrastructure must prioritize competition, innovation and localism, meaning the standards of speed must consider these issues -- demanding higher speeds from corporately owned networks at rates that are competitive with other industrialized nations.

The internet serves as a global public infrastructure. The build out and regulation of networks must ensure connection to the backbone of the internet globally, at high speeds that break the barriers of frontiers for communication and commerce.

3) Federally-funded transportation projects data base.

A national data base of federally-funded transportation projects should be created. This would allow broadband providers to view upcoming construction projects and be given an opportunity to lay fiber during the construction phase, decreasing both broadband system construction costs and public disturbance to right-of-way.

Policies for infrastructure ownership & development:

1) Universal Service Fund

The Universal Service Fund should be reformed for better broadband deployment in rural areas. However, with 68% telephone penetration and less than 10% broadband penetration in Native communities, it is critical that the reform creates an analog safety net.

While we await USF reform, the administration should do a one-time Transfer of Funds totaling 5 billion dollars out of USF for shovel-ready projects. We recommend projects that have a history of prioritizing rural communities to be re-funded via this transfer. In making this transfer, the administration must protect funding of analog services for rural communities.

2) Broadband as a lifeline service

Broadband is no longer a luxury but a vital service necessary to fully participate in the nation's democracy, economy, culture, and society. The administration should define and fund broadband as a lifeline service that must be made available to all residents.

3) Incentives should be created to encourage local and public ownership. For example, local providers, Tribal governments, community-based nonprofits,

utilities, and co-ops should get incentives to construct, own, improve, maintain, and operate broadband facilities and to provide broadband services.

4) Middle Mile

The administration should provide funding for building middle mile infrastructure in unserved and underserved areas, and ensure that this infrastructure is open and publicly owned.

5) Funding should be made available for publicly-owned towers and infrastructure in remote unserved areas.

6) Spectrum

a.- White Spaces – The administration should support policy that opens unused TV spectrum and makes it available to local and public service providers.

b.- Federal Bandwidth –The FCC should consider allowing the use of underused spectrum set aside for federal agencies for data transmission and digital communications by local and public service providers.

7) Network Neutrality

Rural areas generally have less access to all forms of media, not just broadband. Therefore, net neutrality, which establishes the principle of

unfiltered access to information, is vitally important for rural communities.

Policies for adoption of technology:

- 1) Funding should be made available for technology training, production, and adoption in communities historically at the margins of technology such as rural, low-income, immigrant, and communities of color.
- 2) We recommend the administration fund technology training, production, and adoption efforts and programs by agencies with a track record of contributing to rural, low-income, immigrant, and communities of color.
- 3) We recommend that an adoption component be required of all broadband projects funded.

Policies for uniform and transparent federal broadband deployment:

- 1) Designating one federal agency lead coordinator for implementing the Federal Broadband Policy to help ensure cohesion, speed, and efficiency.
- 2) Establishing a pricing policy for private companies paying for “rights-of-way” access to federal property.

- 3) Calling for uniform, expedited rights-of-way permitting procedures to accelerate broadband deployment.

Endorsements

The Commission should note that while other organizations were consulted in the drafting and preparation of this Report, only the organizations listed have endorsed these comments for inclusion in the record of this proceeding:

Access Humboldt

Sean McLaughlin, *Executive Director*
Eureka, California

Appalshop

Mimi Pickering
Whitesburg, Kentucky

Benton Foundation

Harold Feld

California Center for Rural Policy

Connie Stewart, *Executive Director*
Arcata, California

Center for Rural Strategies

Dee Davis, *President*
Knoxville, Tennessee

Main Street Project

Amalia Deloney, *Senior Fellow*
Minneapolis, Minnesota